

REMARKS

This amendment is responsive to the office action dated December 16, 2005.

Claims 1-19 were pending in the application. Claims 5, 6, 11 and 12 were rejected. Claims 1-4 and 17-19 were allowed. Claims 7-10 and 13-16 were determined to be allowable but were objected to.

By way of this amendment, the Applicant has amended claims 5 and 11. Claims 1-4, 6-10 and 12-19 remain unchanged.

Accordingly, Claims 1-19 are currently pending.

I. OBJECTION TO DRAWINGS

The drawings were objected to as not showing every feature of the claimed invention. Specifically, the drawings were objected to for not depicting the primary tool. The specification of the present invention however clearly references a primary tool. Paragraph [024] of the specification as filed is provided below:

[024] Clearly, while the primary tool component disclosed herein is described as a flashlight 14. The storage channel 20 could clearly be incorporated into the housing of virtually any other type assembly. For example, a cellular telephone housing may be manufactured to include the type of channel assembly disclosed herein. Further by way of example the present disclosure could be incorporated into pagers, briefcase handles, cellular holsters etc. The present list being meant as example and not as an exhaustive list of potential devices.

The disclosure clearly states that in the preferred embodiment of the present invention the primary tool is depicted as a flashlight. However, it is also possible and within the scope of the disclosure as originally filed that the primary to be any other type of assembly. The terminology primary tool was specifically disclosed and illustrated as being a flashlight in the preferred embodiment. Further, a flashlight as a primary tool is clearly shown and illustrated in the drawing figures. Accordingly, the Applicant asserts that a primary tool is shown in the figures. Reconsideration and withdrawal of this rejection is respectfully requested.

II. REJECTION OF CLAIMS UNDER 35 USC 102

Claims 5, 6, 11 and 12 were rejected under 35 USC 102(b), as being anticipated by US Patent No. 6,334,693 (Lee). The Examiner stated that Lee discloses a housing with a front end, a back end a top surface, a channel configured with complementary formations to slidably receive a tool and a closure element.

The Examiner has specifically stated in the reasons for allowance that the allowable subject matter in Claim 1 lies in the side walls extending upwardly from the bottom wall and further having an opening in the side wall at the back end of the housing. Both Claims 5 and Claim 11 require that the opening to the channel for receiving the secondary tool be formed in the side wall at the back of the housing. Clearly, as stated by the Examiner, this is a novel feature. Further, the cited prior art reference, Lee, provides an opening in the side of the housing, not in the side wall at the back of the housing.

Further, the Applicant has amended the language in Claims 5 and 11 by eliminating the adapted to language in favor of language that creates a positive claim limitation. Requiring that the channel include mating formations to engage the secondary tool. There is no disclosure in Lee that provides mating formations within the channel that engage and retain the secondary tool. Instead, Lee includes mating formations in the pivoting closure element that receiver and retain the secondary tool. As is clearly illustrated in the figure provided by the Examiner in the Office Action, the flashlight is inserted into the closure element, an action that is indicated by the broken line. The closure element is then pivoted into position in the channel. It is clearly the closure element hat includes mating formation to engage and retain the secondary tool. In contrast, the claims of the present invention, as amended, require that the channel within the housing include mating formations to engage and retain the secondary tool.

Finally, The examiner has indicated that Lee discloses a pivotable closure element at the back of the housing. However, the figures in Lee clearly provide for a pivoting closure element at the mid point of the housing. The pivots are clearly and indisputably provided at the middle of the device and the secondary tool is clearly

installed through the side of the housing. This can be contrasted with the present invention wherein the secondary tool is inserted through an opening at the back end of the housing and the closure element is pivotably affixed to the back end of the housing at that opening.

Since the claims 5, 6, 11 and 12 of the present invention, as amended, recite claimed subject matter that is not disclosed in Lee, the Lee reference cannot anticipate the present invention under §102(b). Specifically, since the claims include subject matter that requires the opening for the secondary tool compartment be provided at the back end of the housing, that the channel include mating formations that engage and retain the secondary tool and that the pivoting closure element be provided at the back end of the housing, these claims cannot be anticipated by the cited Lee reference. Accordingly, this rejection is not believed to be maintainable or applicable. Reconsideration, and withdrawal of the rejection is respectfully solicited.

III. ALLOWABLE SUBJECT MATTER

Claims 1-4 and 17-19 were held allowable. Further claims 7-10 and 13-16 were determined allowable but objected to as being dependent on rejected base claims. The Applicant asserts that since, in view of the above arguments, the base claims, Claims 5, 6 and 11-12 are now in allowable condition, these claims are also allowable. Withdrawal of this objection is respectfully requested.

IV. CONCLUSION

Accordingly, claims 1-19 are believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,

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